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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Ksenya V Verse,

10 Plaintiff,

11 v.

12 Paul Douglas Scott, et al.,

13 Defendants.
14

No. CV-25-01581-PHX-KML

ORDER

15 Plaintiff Ksenya V. Verse filed a complaint naming as defendants her former
16 spouse, her former spouse's counsel, a state court judge, and the State Bar of Arizona.
17 Verse also filed an application to proceed in forma pauperis. Although Verse is entitled to
18 proceed in forma pauperis, two of the defendants cannot be sued in federal court and there
19 may be jurisdictional issues regarding Verse's claims against the other two defendants.
20 Two defendants are dismissed and Verse is required to establish the presence of diversity
21 jurisdiction.

22 Sometime before 2015, Verse and defendant Paul Douglas Scott were married. The
23 couple had one child together. Verse and Scott separated in 2015 and divorced in 2017.
24 (Doc. 1 at 2.) Beginning in 2015, Scott allegedly engaged in a campaign to "make [Verse]
25 economically collapse, and then use that collapse to discredit her as a parent." (Doc. 1 at
26 2.) Scott and his counsel, defendant Greg R. Davis, also engaged in "coordinated slander
27 and defamation campaigns" against Verse. (Doc. 1 at 2.)

28 Before February 2025, Verse and Scott were engaged in family court litigation in

1 Maricopa County Superior Court. In connection with that litigation, Davis “stalked,
2 tracked, and surveilled” Verse. (Doc. 1 at 2.) On February 14, 2025, defendant James
3 Knapp, a superior court judge, issued a judgment against Scott. Verse appealed from that
4 judgment and her appeal remains pending. At some point in this sequence of events Verse
5 filed a “formal Bar Complaint” with the State Bar of Arizona that included “overwhelming
6 evidence of fraud, perjury, ethical breaches, and judicial misconduct.” (Doc. 1 at 2.) The
7 State Bar “summarily dismissed” the complaint. (Doc. 1 at 2.)

8 On May 9, 2025, Verse filed her complaint in this court alleging a variety of federal
9 civil rights claims and tort claims. (Doc. 1 at 3.) Verse also filed an “Emergency Motion
10 for Temporary Restraining Order and Preliminary Injunction.” (Doc. 3.) That motion
11 requests an injunction prohibiting the state court litigation from proceeding until her appeal
12 is final. She also requests defendants be prohibited from “[i]ssuing or communicating
13 threats of incarceration, fines, or coercive demands,” and that “this matter” be referred for
14 “judicial review and oversight.” (Doc. 3 at 2-3.) On May 12, 2025, Verse filed a
15 “supplement” to her complaint with additional evidence allegedly establishing “all state
16 mechanisms for redress have failed to act.” (Doc. 7 at 2.)

17 When a plaintiff is proceeding in forma pauperis, the court may “dismiss the case
18 at any time” if the complaint “fails to state a claim on which relief may be granted” or
19 “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C.
20 § 1915(e)(2). And “a court may raise the question of subject matter jurisdiction, *sua sponte*,
21 at any time during the pendency of the action.” *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826
22 (9th Cir. 2002).

23 Beginning with those defendants who are immune from suit, Verse cannot sue Judge
24 Knapp or the State Bar of Arizona. Verse is attempting to assert claims for money damages
25 against Judge Knapp based on actions Judge Knapp took in his judicial capacity during the
26 proceedings in superior court. Whether she is attempting to assert federal or state-law
27 claims against Judge Knapp, he is entitled to absolute immunity from money damages.
28 *Burk v. State*, 156 P.3d 423, 426 (Ariz. Ct. App. 2007) (noting “judges are absolutely

immune from damages lawsuits for their judicial acts”); *Pierson v. Ray*, 386 U.S. 547, 554 (1967) (discussing “the immunity of judges from liability for damages for acts committed within their judicial jurisdiction”). And the Eleventh Amendment prevents Verse from obtaining any injunctive relief against Judge Knapp. *Munoz v. Superior Court of Los Angeles County*, 91 F.4th 977, 981 (9th Cir. 2024) (“state court judges cannot be sued in federal court in their judicial capacity under the Eleventh Amendment”). Judge Knapp is dismissed.

Verse also asserts claims for money damages and injunctive relief against the State Bar of Arizona. But the State Bar of Arizona qualifies as “an arm of the state,” meaning the Eleventh Amendment prevents Verse from obtaining any injunctive relief against it. *Fitzhugh v. Miller*, No. CV-19-04632-PHX-DWL, 2020 WL 1640495, at *6 (D. Ariz. Apr. 2, 2020). The State Bar of Arizona is dismissed.

The two remaining defendants are Scott and Davis. Verse asserts both federal civil rights and state-law claims against them and possibly seeks emergency injunctive relief against them.¹ These defendants are not immune from suit, but all of Verse’s federal claims fail and there may not be an independent jurisdictional basis for her claims to remain in this court.

Beginning with Verse’s federal claims, there are no allegations establishing Scott or Davis is a “state actor” or a “federal actor.” As a result, none of Verse’s federal civil rights claims are plausible against these defendants. *See Pasadena Republican Club v. W. Just. Ctr.*, 985 F.3d 1161, 1171 (9th Cir. 2021) (“Like § 1983, which requires the wrongdoer to be a state actor, § 1985(3) requires at least one of the wrongdoers in the alleged conspiracy to be a state actor.”); *Karim-Panahi v. Los Angeles Police Dep’t*, 839 F.2d 621, 626 (9th Cir. 1988) (“A claim can be stated under section 1986 only if the complaint contains a valid claim under section 1985.”); *Van Strum v. Lawn*, 940 F.2d 406, 409 (9th Cir. 1991) (“Actions under § 1983 and those under *Bivens* are identical save for the replacement of a

¹ The portion of Verse’s emergency motion explaining the request she seeks appears to focus primarily on actions that might be taken by Judge Knapp, such as “[p]roceeding with any contempt hearings” or issuing “threats of incarceration, fines, or coercive demands.” (Doc. 3 at 2-3.)

1 state actor under § 1983 by a federal actor under *Bivens*.”). That leaves only Verse’s state-
 2 law claims.

3 Verse alleges Scott and Davis engaged in abuse of process, malicious prosecution,
 4 and intentional infliction of emotional distress. The complaint likely does not contain
 5 sufficient factual allegations supporting these claims and the claims could be dismissed on
 6 that basis. But a preliminary issue is whether the court has jurisdiction. The dismissal of
 7 Verse’s federal claims means the court has an independent jurisdictional basis to hear her
 8 claims against Scott and Davis only if Verse is a citizen of a different state than either Scott
 9 or Davis, and more than \$75,000 is in controversy. 28 U.S.C. § 1332(a); *Wisconsin Dep’t*
 10 *of Corr. v. Schacht*, 524 U.S. 381, 388 (1998) (diversity jurisdiction requires “no plaintiff
 11 and no defendant who are citizens of the same State”). Verse seeks twenty million dollars,
 12 so the amount-in-controversy requirement is met. But Verse appears to be a citizen of
 13 Arizona and one of Verse’s filings indicates Davis is an Arizona attorney practicing in
 14 Arizona, making it likely he is an Arizona citizen. (Doc. 7 at 8.). If they are both citizens
 15 of Arizona, there is not an independent jurisdictional basis for the remaining claims. And
 16 given the early stage of this litigation, the court would decline to exercise supplemental
 17 jurisdiction over any state-law claims. 28 U.S.C. § 1367(c). Verse must file a supplement
 18 identifying the citizenship of Scott and Davis.

19 Finally, Verse seeks a temporary restraining order and preliminary injunction but
 20 does not identify what relief she is seeking against each defendant. Assuming Verse is
 21 seeking early injunctive relief against Scott and Davis, the strong possibility the parties are
 22 not diverse and that the court will decline to exercise supplemental jurisdiction means
 23 Verse has not established a significant likelihood of success on the merits. *See Winter v.*
 24 *Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (listing factors required to obtain early
 25 injunctive relief). The motion is denied.

26 **IT IS ORDERED** the Motion for Temporary Restraining Order and Preliminary
 27 Injunction (Doc. 3) is **DENIED**.

28 **IT IS FURTHER ORDERED** the Application (Doc. 4) is **GRANTED**.

IT IS FURTHER ORDERED the Motion to Allow Electronic Filing (Doc. 8) is **DENIED**.

IT IS FURTHER ORDERED no later than **May 30, 2025**, plaintiff Ksenya Verse shall file a supplement identifying the citizenships of defendants Paul Douglas Scott and Greg R. Davis. The Clerk of Court is directed to enter a judgment of dismissal without prejudice if no supplement is filed by that date.


Honorable Krissa M. Lanham
United States District Judge